

The Virgin Islands Consortium

Senators Begin Process of Passing of Previously Vetoed PSC's/ WAPA “Absolutely Necessary" Legislation

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[Bill 34-0021](#), An Act amending titles 3 and 30 of the Virgin Islands Code, pertaining to the Public Services Commission was passed on to the Rules and Judiciary Committee by the Committee on Government Operations and Consumer Protection as a revamped effort to adjust the Public Services Commission role.

The bill was proposed by Senator Janelle Sarauw and she spoke about the benefits of the bills “I’m elated to bring back for like the 100th time this PSC legislation, we’ve been working on it since the 33rd legislature.” as the legislative body has been trying to strengthen the P.S.C. since Donald G. Cole, the director of the Commission, was a senator and called this legislation “absolutely necessary.”

Bryan vetoed the [Bill](#) last October and the Legislature tried again in [November](#) to pass a similar legislation in November.

She acknowledged that she was not the only Senator that should be thanked for the legislation as Senators and subcommittee members had various meetings to get the bill to the point that it is today.

Sarauw summarize the bill, Section 1 of the Bill clarifies the status of the PSC, Section 2 cleans up existing language and adds waste management to the responsibilities to the PSC, Section 3 changes the description of the executive directors qualifications and limits the appointments of hearing officers, Section 4 changes the description of the WAPA executive director and C.F.O qualifications and responsibilities and creates a position of board counsel for the authority, Section 5 intends to increase the accountability for the authority and ratepayers and mandates when LEAC fillings should be made, Section 6 relates to wireless telecommunication providers, Section 7 discusses coordination for underground facilities for providers and utilities to prevent digging multiple trenches in the Virgin Islands roads, Section 8 provides the commission with greater jurisdiction in their oversight over Waste Management and Section 9 empowers the commission to sue and be sued in their name.

There was an amendment presented that would add a clause in the the appropriately number section that if this legislation passed a W.A.P.A’s governing board would hire a turnaround management company to perform an assessment within 60 days and that company would submit a report in 120 days later after being submitted to legislature and Governor.

Mr. Cole said during his opening testimony “the potential benefits of this legislation significantly outweighs any disagreements that the P.S.C may have with portions of the legislation.” and spoke about

Noel Hodge, WAPA’s interim CEO picked apart the bill nearly 30 minutes and doesn’t think that changing PSC oversight over WAPA will be helpful. Near his conclusions he said “The fundamental false premise of the proceed bill is that giving the P.S.C broad

regulatory power over WAPA will increase the likelihood that WAPA will operate more efficiently and at lower cost. In fact, just the opposite will occur as the PSC commissioners and WAPA's governing board fight over their limits of their power. It bears noting that most of the difficulties that plague WAPA are unrelated to the scope of the PSC's authority, changing the PSC's scope will not cause improvement."

Ms. Sarauw questioned if the words of the testimony were Hodge's own or sent with the support of WAPA's legal counsel to which Mr. Hodge responded "These are WAPA's sentiments."

Upset Senators latched on to the line about W.A.P.A's false premises as they began to fire back at the Intern C.E.O.

Senator Novelle Francis said "Let's talk about what's false premise, ratepayers will be paying a lower electricity bill today as a result of the propane, false premise. Ratepayers will be receiving efficient and reliable service." while referencing that St. Thomas experienced an island wide black out just yesterday. "So please don't come here and tell us what's false premise because we have not seen anything but false premises from WAPA thus far.

Mr. Francis then mentioned the hard work that was put in by everyone put in just for Mr. Hodge to see nothing productive that would make W.A.P.A. function any better. Hodge "I'm not saying there is nothing in the bill that can make W.A.P.A function any better, I do agree with you that there were many promises that have been made by W.A.P.A that have been kept but we have to turn around that's why we here.

Mr. Francis then said "If we are going to work, we got to work together, not you coming here bashing the entire bill without recommendations of how we can strengthen the bill and move it forward. I think you just simply say reject the damn bill and let's move on."

Senator Franklin Johnson "I listen to your testimony about rejecting this bill and you come back to say there's part of the bill you support, then let's speak about those parts, don't just ask to reject it totally, if you want us to work with you tell us what part of this legislation you see can help and tell us the part you think can't help but don't come to me and tell me to reject something that I see clearly needs to happen."

Senator Blyden was another Senator that did not appreciate the tone of Mr. Hodge's opening remarks.

Anthony Thomas, Chairmen of the W.A.P.A, poised the question if the bill would shift the balance too far towards the P.S.C. side. "If after 50 years of W.A.P.A. having unfeathering authority, now why would the legislature turn around and give unfeathering authority to the P.S.C. There has to be a balance." and only time will tell if the bill will work as envisioned and that the problem is that there is not enough collaboration between the agencies.

Mr. Cole disputed that the bill would provide unfeathered authority to the P.S.C. "That's not what it would do." He explained that previously the P.S.C. tried to utilize power that they thought they had in regards to a request for a proposal and the cost for it that was sent out by W.A.P.A. W.A.P.A. sued the P.S.C and the court interpreted the law that the legislature did not grant that type of authority and since then the P.S.C has been seeking clarity on the issue. "The court case is saying, and "Without amendments to the current law, The P.S.C. effort to protect public interest are significantly curtailed and this matter is beyond the capacity of the court, rather it's a matter that has to be left to the branch of government that can address this, which is the legislature."

Mr. Thomas later said "It seems like we are being punished for acting within the confines of the law." as it was a decision by the court and that this would change that interpretation of law "as if the authority acted outside of its authority as given to it by the law, by the legislature. All we are saying is there are several opportunities for this legislation to enhance the working relationship of W.A.P.A. with the P.S.C in the benefit of the people of the Virgin Islands.

Mr Thomas feels, "There is still a conflict where authority of the board ends and begins, and where does the authority of the P.S.C ends and begins."

Ms. Sarauw does not feel like this legislation is presenting anything that is normal in the mainland United States. "What we are asking the P.S.C through this legislation to do, is what we are amending or coming up with, is not outside the norm. P.S.C's across the nation regulate utilities, that's normal."

Later in the hearing Ms. Sarauw added that the testimony read today by Mr. Hodge was cut, copy and paste and wanted the "public to know there was no due diligence in dissecting the legislation at all.

Ms. Francis Heyliger did not vote on the bill but the other six senators in the committee voted yes. She also voted no on the amendment because she did not receive it in time to read as she claimed it was not circulated to her office.

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